

AMENDED IN ASSEMBLY JUNE 27, 2013

AMENDED IN ASSEMBLY JUNE 14, 2013

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 9, 2013

## **SENATE BILL**

**No. 62**

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**Introduced by ~~Senator~~ *Senators Price and Lieu***

January 8, 2013

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An act to amend Section 802.5 of the Business and Professions Code, relating to coroners.

### LEGISLATIVE COUNSEL'S DIGEST

SB 62, as amended, Price. Coroners: reporting requirements: prescription drug use.

Existing law requires a coroner to make a report, as specified, when he or she receives information that indicates that a death may be the result of a physician and surgeon's, podiatrist's, or physician assistant's gross negligence or incompetence. Existing law requires the report to be followed, within 90 days, by copies of the coroner's report, autopsy protocol, and all other relevant information.

This bill would require the coroner's report and other information to follow the report within 90 days or as soon as possible once the coroner's final report of investigation is complete. The bill would additionally require a coroner to file a report with the Medical Board of California when he or she receives information that indicates that the cause of death is due to a Schedule II, III, or IV drug. By increasing the duties of county officers, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 802.5 of the Business and Professions  
2 Code is amended to read:

3 802.5. (a) When a coroner receives information that is based  
4 on findings that were reached by, or documented and approved  
5 by, a ~~board-certified or California-licensed~~ pathologist indicating  
6 that a death may be the result of a physician and surgeon's,  
7 podiatrist's, or physician assistant's gross negligence or  
8 incompetence, a report shall be filed with the Medical Board of  
9 California, the Osteopathic Medical Board of California, the  
10 California Board of Podiatric Medicine, or the Physician Assistant  
11 Board. The initial report shall include the name of the decedent,  
12 date and place of death, attending physicians, podiatrists, or  
13 physician assistants, and all other relevant information available.  
14 The initial report shall be followed, within 90 days or as soon as  
15 possible once the coroner's final report of investigation is complete,  
16 by copies of the coroner's report, autopsy protocol, and all other  
17 relevant information.

18 (b) A report required by ~~this section~~ *subdivision (a)* shall be  
19 confidential. No coroner, physician and surgeon, or medical  
20 examiner, nor any authorized agent, shall be liable for damages in  
21 any civil action as a result of his or her acting in compliance with  
22 this section. No ~~board-certified or California-licensed~~ pathologist,  
23 nor any authorized agent, shall be liable for damages in any civil  
24 action as a result of his or her providing information under  
25 subdivision (a) ~~or (e)~~.

26 (c) When a coroner receives information that is based on  
27 findings that were reached by, or documented and approved by, a  
28 ~~board-certified or California-licensed~~ pathologist indicating that

1 the cause of death is due to a Schedule II, III, or IV drug, a report  
2 shall be filed with the Medical Board of California. The initial  
3 report shall include, when known, the name of the decedent, date  
4 and place of death, attending physicians, podiatrists, or physician  
5 assistants, and all other relevant information, including, but not  
6 limited to, any information available to identify the prescription  
7 drugs, prescribing physicians, and dispensing pharmacy. The initial  
8 report shall be followed, within 90 days or as soon as possible  
9 once the coroner's final report of investigation is complete, by  
10 copies of the coroner's report, autopsy protocol, and all other  
11 relevant information.

12 SEC. 2. If the Commission on State Mandates determines that  
13 this act contains costs mandated by the state, reimbursement to  
14 local agencies and school districts for those costs shall be made  
15 pursuant to Part 7 (commencing with Section 17500) of Division  
16 4 of Title 2 of the Government Code.